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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/921,240

Applicant(s)

WRAPE, JASON WAYNE

Examiner

Dohm Chankong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-16 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-16 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1> This action is in response to Applicant's amendment, filed 8.30.2007. Claims 10, 13, and 16 are amended. Claims 1-16 and 20 are presented for further examination.

2> This is a final rejection.

Response to Arguments

3> Applicant has amended claim 10 with new limitations some of which recite in part: a network management module resides within a web server; the module compiles one or more existing identifiers upon receiving a request; and provisioning a source identifier and a destination identifier to create a new permanent virtual connection between two logical ports.

Ditmer discloses these new limitations. Ditmer teaches a PRS device which is a web server [Figure 7 «item 280» | column 13 «lines 21-24»]. Within Ditmer's PRS server resides a poller module that obtains and compiles existing identifiers from a second network [Figure 7 «item 296» | column 15 «lines 47-65»]. Ditmer's poller reads on Applicant's claimed management module. Ditmer's poller module resides within the PRS web server, compiles the one or more existing identifiers, and queries the management system for the one or more existing identifiers [column 14 «lines 33-38»].

As to the third limitation, Ditmer discloses creating a new PVC between ports through a provisioning process [column 13 «lines 51-56»]. Ditmer does not explicitly disclose provisioning a source identifier and a destination identifier as part of this provisioning

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process. However, the provisioning of a source identifier and a destination identifier can be reasonably inferred from Ditmer's teaching that a PVC comprises DLCI (data link connection identifiers) at both ends of the PVC [column 21 «lines 37-43»]. It stands to reason that establishing a new PVC would require the provisioning of DLCIs at both ends of the PVC. Therefore it would have been obvious to one of ordinary skill in the art that Ditmer's teaching of provisioning a new PVC implicitly requires the provisioning of DLCIs at both ends of the PVC as well.

4> Applicant's other amended limitations now recite in part a service technician viewing the one or more existing identifiers and choosing both a source identifier and a destination identifier to create the new permanent virtual connection where the source identifier and the destination identifier differ from the displayed existing identifiers. Applicant argues that neither Ditmer or Nicoll disclose these limitations.

Specifically, Applicant argues that Nicoll is merely directed to manually reassigning a global indicator to a network node to cure a collision but does not describe manually provisioning identifiers to create a new permanent virtual connection. However, the combination of Ditmer and Nicoll discloses the limitation.

As discussed above, Ditmer discloses a service technician creating a new permanent virtual connection (PVC) by provisioning the source identifier and the destination identifier (DLCI) to both ends of the PVC. Ditmer however failed to disclose a service technician who chooses the identifiers to differ from each of the displayed existing identifiers.

Nicoll expressly disclose an interface to “aid in the configuration of PVC connections between global identifiers and/or site numbers” [column II «lines 38-41»]. As to this feature, Applicant asserts that Nicoll does not disclose what the interface displays or how it is used. However, Nicoll clearly discloses that the interface is used by either the customer or the service provider to avoid collisions [column II «lines 34-37»]. Nicoll’s interface displays already used identifiers which aids in the selection of new identifiers that do not conflict with already assigned identifiers [column II «lines 34-37, 41-45» : preventing collisions and the assignment of unavailable identifiers].

It would have been obvious to one of ordinary skill in the art to modify Ditmer’s provisioning functionality with Nicoll’s collision avoidance functionality. One would have been motivated to modify Ditmer’s ability to create new PVCs to improve upon the ability to assign appropriate DLCIs that do not conflict with DLCIs that have already been assigned.

5> Applicant’s remaining amendments are directed to presenting a web page that includes existing identifier information related to the existing identifiers of a source switch and a destination switch including identification of the source switch, a source logical port name, a source DLCI, a source service type, identification of the destination switch, a destination logical port name, a destination DLCI, a destination service type, and a committed information rate.

Applicant asserts that Ditmer only discloses providing a PVC field, a CIR total field and other switch information but not for each of the existing identifiers. However, Ditmer

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discloses providing such information for each PVC or circuit connection which as discussed above comprises the identifiers [Figure 11(b) | Figure 11(d) | column 24 «lines 17-19»]. Ditmer discloses that a user can “drill down” to an endpoint and receive greater detail for each selected end point (DLCI) [column 21 «line 65» to column 22 «line 6»].

Ditmer clearly discloses that a user can retrieve identifier information including identification of the source switch [column 15 «lines 44-52» : polling each switch | column 21 «lines 33-35»], a source logical port name [column 23 «lines 25-27 and 33-35» : ID for each port and the gateway for the A side], a source DLCI [column 21 «lines 37-38»], a source service type [column 24 «lines 53-55»], and further including at least an identification of the destination switch [column 21 «lines 39-41»], a destination logical port name [column 21 «lines 25-27 and 39-41»], a destination DLCI [column 21 «lines 42-43»], a destination service type [column 24 «lines 53-55» | column 26 «lines 23-25»], and a committed information rate [column 21 «lines 43-44»]. Ditmer discloses that the reports sent to the users can be customized to include any of the described fields [column 11 «lines 14-17»].

6> Based on the foregoing, Applicant's arguments are not found persuasive. Applicant's amendments do not overcome the prior art rejections. Amended independent claims 13 and 16 recite similar subject matter and therefore the remarks above apply to those claims as well. The rejection of claims 10-16 and 20 under Ditmer, in view of Ashton, in further view of Nicoll is therefore maintained.

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Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7> Claims 10-12, and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. Claim 10 lacks proper antecedent basis : "the external third network."
- b. Claims 11, 12 and 20 are rejected based on their dependency on claim 10.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8> Claims 10-16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ditmer et al, U.S Patent No. 6.490.620 ["Ditmer"], in view of Nicoll et al, U.S Patent No. 6.356.563 ["Nicoll"], in further view of Ashton et al, U.S Patent No. 6.181.679 ["Ashton"].

9> As to claim 10, Ditmer discloses a method for provisioning a data link connection identifier in a first network upon request from a web browser, wherein the first network

comprises at least one permanent virtual connection, and wherein the virtual connection is associated with one or more existing identifiers, the method comprising:

connecting a network management system to the first network, the network management system storing the one or more existing identifiers [Fig.5, 12-13, Col.2, lines 28-67; Col.18, lines 10-44; Col.21, lines 15-44];

connecting a network management module to the network management system via a second network to obtain the one or more existing identifiers [Figure 7 «item 296» | column 15 «lines 47-65»], the network management module residing within a web server [Figure 7 «item 280»];

compiling the one or more existing identifiers upon receiving the request from the browser [column 15 «lines 47-65»]; and

querying the network management system with the network management module over the second network for the one or more existing identifiers [Fig.5, 12-13, Col.2, lines 28-67; column 14 «lines 33-42»];

provisioning a source identifier and a destination identifier to create a new permanent virtual connection between logical ports [column 13 «lines 51-56» | column 21 «lines 37-43»];

remotely displaying the one or more existing identifier in a web page over the external third network using the network management module in response to the browser request, the request containing at least one of a logical and physical port name [Fig. 11(f) - report for a specified port | column 23 «lines 25-27»], wherein further the web page comprises existing identifier information associated with each of the existing identifiers of a source switch and a destination switch including at least and identification of the Source Switch, a

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Source Logical Port Name, a Source DLCI, a Source Service Type, and further including at least an identification of the Destination Switch, a Destination logical Port name, a Destination DLCI, a Destination Service Type and a Committed Information Rate [column 21 «lines 28-45» : DLCI assigned to the A and B sides of the PVC, gateways (switches) assigned to the A and B sides & circuit (port) names assigned to the A and B sides | column 24 «line 55» | column 26 «lines 22-25»].

While Ditmer does not expressly disclose the all of the headings in one table, Ditmer does disclose that the reports are customizable by the user [abstract : “ad-hoc report customization” | column 11 «lines 14-21»]. Thus, the limitation of viewing various parameters of a port under several fields in one table is merely a matter of design choice and is not a feature that patentably distinguishes the claimed invention over the prior art.

Ditmer does not expressly disclose: (a) storing the identifier prior to the request from the web browser nor does he disclose: (b) viewing the one or more existing identifiers by a service technician and choosing, by the technician, both the source identifier and the destination identifier to create the new permanent virtual connection where the source identifier and the destination identifier differs from each of the displayed existing identifiers.

10> In regards to (a), Ashton is directed towards network management system that centrally stores virtual connection information and is accessible by various network modules over multiple networks [Figure 1 | column 2 «line 64» to column 3 «line 16» | column 4 «line 66» to column 5 «line 3»]. Ashton’s system is comparable to the network management

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system in Ditmer in that a user is enabled to retrieve virtual connection information, including identifiers, and provisioning these identifiers [see Ashton, column 3 «lines 10-43»].

Ashton expressly discloses a network management system containing the identifier stored prior to the module communicating for the identifier [column 3 «lines 1-9» | column 5 «lines 40-52» | column 7 «lines 24-32» where: the virtual connection information is stored as “vectors” at the network management system]. As discussed previously, Ditmer disclosed functionality of providing reports from the previous 45 days suggesting storing of the identifiers. Ashton explicitly discloses such functionality and provides further motivation to modify Ditmer central management system to store the identifiers before they are requested such that it can efficiently manage the nodes within the networks [see Ashton, column 3 «lines 59-67»].

11> In regards to (b), it is noted that Ditmer does disclose that a service technician creates the permanent virtual connection by choosing source and destination identifiers [column 13 «lines 51-56»]. Ditmer however does not disclose choosing source identifiers and destination identifiers that do not conflict with already assigned identifiers.

Nicoll is directed towards assigning global DLCIs to various permanent connections that span multiple networks [abstract]. Nicoll expressly discloses displaying an existing identifier in a web page [column 11 «lines 38-41»] and discloses choosing, by the technician, both the source identifier and the destination identifier to create the new permanent virtual connection where the source identifier and the destination identifier differs from each of the displayed existing identifiers [column 3 «lines 27-40» where : Nicoll expressly discloses that

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each DLCI for each connection must be unique and that any collisions (when more than one connection has the same DLCI) can be resolved manually (unique DLCIs assigned to the connection) to insure that each connection has different identifiers. The fact that identifiers can be manually provisioned to avoid collisions implies that the technician is aware of previously assigned identifiers (in order to avoid the collision)].

Thus, it is clear that the existing or assigned (see Applicant's claim 16) identifiers are displayed on the interface to allow manual reconfiguration of the DLCIs to avoid assigning the same DLCIs to different permanent connections. It would have been obvious to one of ordinary skill in the art to incorporate Nicoll's teachings into Ditmer's remote management system. The combination improves upon Ditmer by providing global identifier assignment functionality that insures each customer has their own unique identifiers [see Nicoll, column 2 «lines 22-24»].

12> Regarding claims 11-12, Ditmer discloses connecting a network management module includes connecting the network management system using client-server architecture, (Fig. 2, 12-13; Col.2, lines 9-67).

13> As to claims 13 and 16, as they does not teach or further define over the limitations of claim 10, claims 13 and 16 are similarly rejected for at least the same reasons set forth for claim 10.

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14> Claim 16 does recite assigned identifiers rather than existing identifiers. However, there does not seem to be a patentable distinction between the use of assigned rather than existing. Therefore, the Office interprets these terms as being analogous to one another.

15> Regarding claims 14-15, Ditmer discloses, means for connecting using client-server architecture and querying the network management system with a client device (Fig. 2, 12-13; Col.2, lines 9-67).

16> Regarding claim 20, Ditmer discloses, network is a frame relay network, wherein the identifier is a data link connection identifier and wherein the virtual connection is a virtual circuit (Fig. 2, 12-13; Col.2, lines 9-67).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

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advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is 571.272.3942. The examiner can normally be reached on Monday-Friday [8:30 AM to 4:30 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DC


BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER
11/7/7